

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee, et al.
Serial No.: 10/538,625
Filed: December 11, 2003
For: Peptide Deformylase Inhibitors

Commissioner for Patents
Mail Stop: Missing Parts
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

This response is in reply to the "Notice to File Missing Parts" mailed on October 20, 2006, which indicates that the Oath or Declaration of the inventors in compliance with 37 CFR 1.497(a) and (b), for the subject patent application is not part of the filewrapper. A copy of the above notice is attached.

A Declaration of the inventors was previously submitted with the international application under PCT Rule 4.17(iv) and in compliance with 37 CFR 1.497(a) and (b). Since the Declaration of inventors was submitted when the application was initially filed with the PCT, no international application number had been assigned to the application yet. Thus the Declaration of inventors could not identify the application by international application number and filing date.

Given that the Declaration of the inventors was properly timely filed, Applicants submit that no surcharges are currently due.

Respectfully submitted,



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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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 Alexandria, Virginia 22313-1450
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|-----------------------------|--|------------------|
| U.S. APPLICATION NUMBER NO. | 2003 007 916 P 1:30 FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/538,625 | | P51398 |

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| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/US03/39528 | |
| I.A. FILING DATE | PRIORITY DATE |
| 12/11/2003 | 12/11/2002 |

CONFIRMATION NO. 8965
 371 FORMALITIES LETTER

 OC000000020910568

Date Mailed: 10/20/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/10/2005
- Copy of the International Search Report filed on 06/10/2005
- Preliminary Amendments filed on 06/10/2005
- Information Disclosure Statements filed on 06/10/2005
- Request for Immediate Examination filed on 06/10/2005
- U.S. Basic National Fees filed on 06/10/2005
- Specification filed on 06/10/2005
- Claims filed on 06/10/2005
- Abstracts filed on 06/10/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/538,625 | PCT/US03/39528 | P51398 |

FORM PCT/DO/EO/905 (371 Formalities Notice)